

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT F. KEENE,

Plaintiff,

v.

ORDER

13-cv-341-wmc

KAY DE BOER and DE BOER
TRANSPORTATION, INC.,

Defendants.

Proceeding under the *in forma pauperis* statute, 28 U.S.C. § 1915, *pro se* plaintiff Robert F. Keene was granted leave to proceed on his state law defamation claim contingent upon Keene filing an amended complaint alleging facts sufficient to establish this court's diversity jurisdiction. (12/3/13 Op. & Order (dkt. #5) 5.) In response, plaintiff not only failed to file an amended complaint, but as defendants attest in a subsequently-filed motion to dismiss, has failed to respond to discovery or take any steps to pursue his remaining claim.

Before the court now are two dispositive motions filed and served by defendants on the same day: one to dismiss based on plaintiff's failure to file an amended complaint and/or participate in the discovery process, and the other for summary judgment. (Dkt. ##22, 24.) Defendant sent both motions and all supporting materials to plaintiff at an address in Louisiana and at one in Arizona. (Affidavit of Mailing (dkt. #30).) Plaintiff failed to respond to either motion.

Because the court finds that it lacks subject matter jurisdiction over this action -- there being *no* allegations or other facts of record establishing diversity of citizenship *or*

the amount in controversy -- the court will grant defendants' motion to dismiss without reaching the merits of defendants' motion for summary judgment.

Accordingly,

ORDER

IT IS ORDERED that:

- 1) defendants DeBoer Transportation and Kay DeBoer's motion to dismiss (dkt. #22) is GRANTED; and
- 2) the clerk of court should close this case.

Entered this 22nd day of January, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge